

Meeting of the
IDAHO BOARD OF NURSING
AmeriSuites Hotel – 925 N Milwaukee Ave
Boise, Idaho

November 11-12, 2004

MINUTES

- Time and Place* A regular meeting of the Idaho Board of Nursing was held on November 11-12, 2004, in Boise, Idaho.
- Presiding* Randall Hudspeth, RN, NP, CNS, Chairman
- Call to Order* The meeting was called to order at 8:06 AM, Thursday, November 11, 2004, by Randall Hudspeth, Chairman.
- Those Present*
Board Randall Hudspeth, NP, CNS, Boise, Chairman
Dan Bauer, RN, Boise
Ridon Clemm, LPN, Idaho Falls
Karen Ellis, RN, Pocatello
Sheri Florence, Consumer, Boise
Analyn Frasure, LPN, Pocatello
Jill Howell, RN, Jerome, Vice-Chairman
Shirlie Meyer, RN, Meridian
Susan Odom, RN, Moscow
- Staff* Sandra Evans, MAEd, RN, Executive Director
Vicky Goettsche, MBA, RN, Associate Director
Linda Coley, Management Assistant
Kay Manweiler, Deputy Attorney General
- Consent Agenda*
Motion The Consent Agenda was adopted with the exception of the Report of the CAC 2004 Annual meeting that was moved to Administration for further discussion.
The Consent Agenda included information regarding the following items:
- A. Approval of Minutes of the July 29-30, 2004 meeting as printed.
 - B. NCSBN - Editorial Advisory Pool Invitation
 - C. Informational Items:
 - 1. Report of Staff Activities for the period July 10, 2004 through October 14, 2004, including progress towards accomplishment of strategic goals.
 - 2. Financial Report for the First Quarter – FY 2005

3. Strategic Plan update for the period August-November 2004
 4. Special Projects Update - November 2004
 5. NCSBN Activities Update - November 2004
- D. Reports of meeting attendance:
1. Reports by Vicky Goettsche, on the NCSBN's Annual Meeting held August 3-6, 2004, in Kansas City, KS.
 2. Report by Karen Ellis on the NCLEX Invitational held September 13, 2004, in San Francisco, CA.
 3. Report by Vicky Goettsche, Associate Director on the Citizen's Advocacy Center Conference held October 28- 30, 2004, in Orlando, FL.
- E. State Controller's Audit Report for FY 01, FY 02, FY 03 and FY 04.

In-service

Kay Manweiler, Deputy Attorney General, presented an in-service on disciplinary procedures and processes.

Annual Reports
Summary
Motion

Sandra Evans, Executive Director presented information on the annual reports of nursing education programs. Following her report, a motion was made to accept the report as presented.

Request for New
Program
Motion

Jeff Akens, Executive Director, Linda Schaffer, Director of Health Science Education Programs, and Michelle Woods, Dean of Instruction for the American Institute of Health Technology, met with the Board to discuss their request to develop a practical nursing program. Following their meeting and a review of materials, a motion was made and carried, to direct the executive director to conduct a site visit as the initial step toward program approval.

Non-Routine
Applications
Motion

In accordance with Idaho Code 67-2345 (d)(1) a motion was made and unanimously carried to adjourn the open meeting and hold an executive session at 10:08 am on November 11, 2004, to consider records exempt from disclosure. The Board members returned to open session at 10:25 am.

Upon return to open session, a motion was made and carried, that action be taken on individual applications as indicated on the list of applications for review. See page 3269.

Task Force -
Criminal
Background Checks
Motion

Shirley Meyer presented the report of the Task Force on Licensure in Cases of Criminal Background and the draft position statement. Following discussion, a motion was made

and carried, to accept the position statement as presented. A copy is attached to these minutes.

Minimum Data Set
for Evaluation of
International
Nurses

Sandra Evans, Executive Director, presented the minimum data set for evaluation of international nurses adopted at the National Council of State Boards of Nursing, Delegate Assembly meeting in August 2004. The Board accepted the criteria as the standard for organizations that evaluate credentials of international nurses for purposes of licensure in Idaho.

Report of PRN
Committee Meeting

Karen Ellis, RN, Chairperson, presented a report of the meeting of the Advisory Committee of the Program for Recovering Nurses held on October 22, 2004. The Board members reviewed the significant activities of the Committee including review of the draft document, "Position on the Nurse's Responsibility to Assure Functional Ability". The Board referred the Position statement to legal counsel for review prior to their final consideration.

One RN and one PN were referred to the Board for non-compliance.

Following her report, the Board took the following action, based on Committee recommendations:

Motion

Karen Fisk, N-27668 - Case 01-018 - adopted Findings of Fact, Conclusions of Law and issued an Order of Revocation based on Voluntary Surrender

Motion

Cynthia Hull, PN-11520 - Case 03-053 - adopted Findings of Fact, Conclusions of Law and issued an Order of Revocation based on Voluntary Surrender

Motion

Marlene Hulse, N-22881 - Case 96-059 - at the request of the Board, Advisory Committee members reviewed the case history of the licensee. The Board accepted the Advisory Committee's recommendation and took action to deny the request for reinstatement of licensure.

Review of
Disciplinary Cases
Hearings

Motion

Michael Wood, N-29058 - Case 04-072. A hearing was held as scheduled before the Board of Nursing at the licensee's request. Mr. Wood presented information on his behalf and Cheri Bush, Deputy Attorney General, presented information for the Board. Following a review of information presented, a motion was made and carried, to issue an Order of Reprimand for violation of the Nursing Practice Act.

Ridon Clemm abstained from the discussion and vote on this matter.

Motion

Jared Thompson, N-28525 – Case 04-070. A hearing was held as scheduled before the Board of Nursing at the licensee's request. Mr. Thompson presented information on his behalf and Cheri Bush, Deputy Attorney General, presented information for the Board. Following a review of information presented, a motion was made and carried, to issue an Order of Reprimand for violation of the Nursing Practice Act. Additionally, Mr. Thompson will be required to complete an ethics course, satisfactory to the Board, within ninety (90) days of entry of this order.

Ridon Clemm abstained from the discussion and vote on this matter.

Motion

Kenneth Lowther, N-28801 – Case 04-071. A hearing was held as scheduled before the Board of Nursing at the licensee's request. Dale Thomson, Attorney at Law, represented Mr. Lowther via teleconference. Cheri Bush, Deputy Attorney General, presented information for the Board. Following a review of information presented, a motion was made and carried, to dismiss the complaint.

Ridon Clemm abstained from the discussion and vote on this matter.

Motion

Denise Dallolio, PN-11975 - Case 04-069. A hearing was held as scheduled before the Board of Nursing at the licensee's request. Ms. Dallolio presented information on her behalf and Cheri Bush, Deputy Attorney General, presented information for the Board. Following a review of information presented, a motion was made and carried, to issue an Order of Revocation for violation of the Nursing Practice Act.

Motion

Ketura Rathbun, N-31066 - Case 04-016. A hearing was held, via teleconference, as scheduled before the Board of Nursing at the licensee's request. Ms. Rathbun presented information on her behalf and Cheri Bush, Deputy Attorney General, presented information for the Board. Following a review of information presented, a motion was made and carried, to issue an Order of Suspension, stay the suspension and assess investigative costs, not to exceed \$500. The investigative costs must be paid within ninety (90) days or the Order of Suspension will be invoked.

Executive Session

In accordance with Idaho Code 67-2345 (d)(1) a motion was made and unanimously carried to adjourn the open meeting and hold an executive session at 10:02 am on November 12, 2004, to consider records exempt from disclosure in the request for reconsideration of restricted licensure filed by Cheri Gates - N-33546, Case Number EX 070403. During the executive session, the licensee was represented by Deena Flores Brewer, Attorney at Law. The Board members returned to open session at 11:30 am.

Motion

Following return from executive session, matters pertaining to the request for reconsideration of licensure with restrictions were discussed. A motion was made and carried, to affirm the decision regarding Case Number EX 070403 initially made by the Board at their July 29-30, 2004 meeting, since no new evidence had been presented.

Susan Odom abstained from the discussion and vote on this issue.

Review of
Disciplinary Cases
Motion

Background information was presented on the following cases:

Paul Quintana - PN-7051 - Case 86-17 - The applicant met with Board members to request reinstatement of licensure. Following their meeting with the applicant and a review of supporting documents, a motion was made and carried, to issue a temporary license, following completion of the didactic portion of a nurse refresher course, in order for Mr. Quintana to complete the clinical component of the course. When he has satisfactorily completed the refresher course, his practical nurse license will be reinstated with the condition that the license be voluntarily surrendered and he enroll in the Program for Recovering Nurses.

Motion

Ginny Steiner - PN-9149 - Case 01-036 - The applicant met with Board members to request reinstatement of licensure. Following their meeting with the applicant and a review of supporting documents, a motion was made and carried, to deny the request for reinstatement at this time. Prior to consideration of another request for reinstatement, the applicant must demonstrate an additional twelve (12) months of sobriety and stability in recovery.

Motion

Marie Hawkins - N-20025 - Case 94-114 - The applicant met with Board members to request reinstatement of licensure. Following their meeting with the applicant and a review of supporting documents, a motion was made and carried, to issue a temporary license in order for the applicant to complete eighty (80) hours of supervised practice. Following verification of the supervised practice, a limited license with conditions will be issued for five years.

Motion

Chris Burkholder - PN-10706 - Case 96-74 - The applicant met with Board members to request reinstatement of licensure. Following their meeting with the applicant and a review of supporting documents, a motion was made and carried, to issue a limited license with conditions for five years. Conditions may be modified by staff. The applicant is to complete a nurse refresher program, and then enter a monitoring program approved by Board staff. Since the applicant lives in Washington, monitoring may be arranged through the Washington Board of Nursing.

Motion

Laura Pedersen - N-24987 - Case 01-015 - The applicant met with Board members to request reinstatement of licensure. Following their meeting with the applicant and a review of supporting documents, a motion was made and carried, to deny the request for reinstatement at this time. Prior to consideration of another request for reinstatement, the applicant must demonstrate an additional twelve (12) months of sobriety and stability in recovery.

Default/Final
Orders
Motion

Andrea Crabtree - PN-10369 - Case 04-010 & 04-010-2 - Adopted Findings of Fact, Conclusions of Law and issued an Order of Revocation based on Default.

Judith Clendenon - PN-9336 - Case 04-049 - Adopted Findings of Fact, Conclusions of Law and issued an Order of Revocation based on Default.

Sherry Johnson - N-19550 - Case 02-013 - Adopted Findings of Fact, Conclusions of Law and issued an Order of Revocation based on Voluntary Surrender.

Stipulation/Consent
Agreements
Motion

Valerie Aiken - N-11542 - Case 04-033 - A motion was made and carried, to accept the Stipulation and Consent Order as drafted.

Motion

Maria Gallagher - PN-10257 - Case 04-036 - A motion was made and carried, to accept the Stipulation and Consent Order as drafted.

Motion

Cheri Bakhtiary - PN-8420 - Case 04-035 - A motion was made and carried, to accept the Stipulation and Consent Order as drafted.

Motion

Kent Hadfield - N-25057 - Case 04-075 - A motion was made and carried, to accept the Stipulation and Consent Order modified to require practice that is directly supervised.

Open Forum

Time for an open forum was provided between 9:15 am and 10:00 am on Friday, November 12, 2004. There being no presentations, the meeting continued as scheduled.

Reinstatement
Process
Motion

A motion was made and carried, that future petitions for reinstatement be reviewed and evaluated by Board staff for satisfactory compliance with the elements set forth in statute at Idaho Code, Section 54-1411 and in Rule at IDAPA 23.01.01.120; that Board staff be delegated authority to conduct interviews of the applicants for reinstatement; and that Board staff be charged with the obligation to make a recommendation as to the Board's action with regard to requests for reinstatement.

Appointment of
PRN Committee
Members
Motion

A motion was made and carried, to reappoint Joe Laragan and Anita Havey to additional terms as members of the Program for Recovering Nurses. Terms of membership shall be from January 1, 2005 to January 1, 2008. Charles Aasand, RN, was appointed to the committee to a term to expire January 1, 2008. Membership of the committee will be evaluated prior to January 2008.

Proposed Budget

Sandra Evans, Executive Director, presented information on the FY 2006 proposed budget that will be presented to the Legislature during the 2005 session. The Board accepted the FY 2006 proposed budget report.

Fee Increase
Motion

Sandra Evans presented background information on the need for a fee increase, including projections for agency needs in the next 2-5 years. Following discussion, a motion was made and carried, to initiate rule promulgation to increase the cost of renewal of licensure to \$90 for the two-year renewal period and endorsement of licensure to \$110.00. Following rule promulgation and approval by the Legislature in January 2006, revised fees will be implemented in FY 2007.

Rule Interpretation
Motion

Sandra Evans presented information on a draft interpretative statement regarding Board rule 23.01.01.221.01. and 23.01.01.977.02 (T) to clarify that the Idaho Board of Nursing requires applicants for licensure to have taken the same examination approved by the Board of Nursing as that required of nurses licensing initially in Idaho. Following review, a motion was made and carried, to adopt the interpretative statement. A copy of the statement is attached to these minutes.

Board Newsletter

Information was presented on outsourcing the publishing of the Board's Newsletter. Board members recommended that Board staff partner with the Idaho Nurses' Association to include a report from the Board in the RN Idaho in order to reach more nurses, and to continue the discussion of how best to inform nurses and others about relevant news and issues.

IALN Membership
Motion

Kathleen Nelson, Pam Springer, Co-Chairs, and Simonne deGlee, Executive Director, Idaho Alliance of Leaders in Nursing, met with the Board to explain membership requirements, purpose of the organization and proposed projects. Following the meeting, a motion was made and carried, to hold a decision regarding membership pending adoption of new bylaws.

Hearing Officer
Utilization

Kay Manweiler, Deputy Attorney General, presented information on the process of using a hearing officer for disciplinary hearings. Board members requested that additional information, i.e., cost projections be presented at the February meeting.

APPN Report

Diana Kottkey, FNP, Chair, presented (via teleconference), the report and recommendations from the APPN Advisory Committee teleconference meeting held on September 17, 2004. Ms. Kottkey also presented the recommendation from the Committee that the Board adopt the draft Peer Review Policy.

Following her report, a motion was made and carried, to adopt the Peer Review Policy as presented for implementation during the 2005-2007 APPN renewal period.

Nurse Manager
Workshop

Vicky Goettsche, Associate Director, reported on the Workshop for New Nurse Managers she conducted on November 5, 2004.

Delegation in the
School Setting

Barb Thomas, RN, school nurse and a delegation of nurses and parents met with the Board to discuss the issue of delegating insulin injection to unlicensed individuals in the school setting. Following their presentation, staff was directed to convene a task force to address the issue and to report to the Board at the February meeting. The task force is charged with identifying the work to be accomplished and development of a plan of action.

Proposed Rule
Changes - Update

Sandra Evans presented an update on the temporary and pending rules being presented for legislative review in 2005.

Board Self-
Assessment

Board members reviewed information on conducting a self-assessment of the Board including adoption of instruments presented during the 2004 meeting of the CAC, as reported by Vicky Goettsche. Early in the agenda of the February 2005 meeting, Board members will discuss the policies and processes for on-going self-evaluation in order to determine how to proceed in accomplishing the desired outcome.

Licenses
Issued

Under the responsibilities delegated to the Executive Director, professional and practical nurse licenses were issued by interstate endorsement, examination, reinstatement and emeritus to the following persons since the July 29-30, 2004 meeting of the Board. See pages: 3278 - 3286.

Under the responsibilities delegated to the Executive Director, advanced practice professional nurse licenses were issued to the following persons since the July 29-30, 2004, meeting of the Board. See page: 3287.

Adjournment
Motion

A motion was made and carried that the meeting be adjourned.
Meeting adjourned at 4:10 PM, Friday, November 12, 2004.

Chairman

Vice-Chairman